

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:11-HC-2209-D

UNITED STATES OF AMERICA,)
)
 Petitioner,)
)
 v.)
)
WILLIAM CARL WELSH,)
)
 Respondent.)

ORDER

The United States (“petitioner”) seeks to civilly commit William Carl Welsh (“Welsh” or “respondent”) as a “sexually dangerous person” under the Adam Walsh Child Protection and Safety Act of 2006 (“Adam Walsh Act”), codified at 18 U.S.C. §§ 4247–48. Pursuant to the Adam Walsh Act, if the court finds by clear and convincing evidence, after a hearing, that a person is a “sexually dangerous person,” the court must commit the person to the custody of the Attorney General. *Id.* § 4248(d). A “sexually dangerous person” is one “who has engaged or attempted to engage in sexually violent conduct or child molestation and who is sexually dangerous to others.” *Id.* § 4247(a)(5). A person is considered “sexually dangerous to others” if “the person suffers from a serious mental illness, abnormality, or disorder as a result of which he would have serious difficulty in refraining from sexually violent conduct or child molestation if released.” *Id.* § 4247(a)(6).

To obtain a commitment order against Welsh, the government must establish three facts by clear and convincing evidence: (1) that Welsh “has engaged or attempted to engage in sexually violent conduct or child molestation,” *id.* § 4247(a)(5); (2) that Welsh currently “suffers from a serious mental illness, abnormality, or disorder”; and (3) as a result of the serious mental illness,

abnormality, or disorder, that Welsh “would have serious difficulty in refraining from sexually violent conduct or child molestation if released.” Id. § 4247(a)(6); see United States v. Caporale, 701 F.3d 128, 130 (4th Cir. 2012); United States v. Wooden, 693 F.3d 440, 442 (4th Cir. 2012); United States v. Francis, 686 F.3d 265, 268, 274 (4th Cir. 2012); United States v. Hall, 664 F.3d 456, 461 (4th Cir. 2012); United States v. Comstock, 627 F.3d 513, 515–16 (4th Cir. 2010), cert. denied, 131 S. Ct. 3026 (2011).

On September 6, 2012, the court held a bench trial. On February 5, 2013, the court announced its findings and conclusions from the bench. The transcript is incorporated herein by reference. The United States has proven by clear and convincing evidence that Welsh has engaged in sexually violent conduct or child molestation and suffers from a serious mental illness, abnormality, or disorder. The United States also has proven by clear and convincing evidence that, as a result of his serious mental illness, abnormality, or disorder, Welsh “would have serious difficulty in refraining from sexually violent conduct or child molestation if released.” 18 U.S.C. § 4247(a)(6). Thus, the United States has proven that Welsh is a sexually dangerous person as defined in the Adam Walsh Act. Accordingly, judgment shall be entered in favor of petitioner, the United States, and against respondent, William Carl Welsh. Welsh is hereby committed to the custody and care of the Attorney General pursuant to 18 U.S.C. § 4248.

SO ORDERED. This 5 day of February 2013.


JAMES C. DEVER III
Chief United States District Judge